

**PLANNING AND ZONING BOARD
CITY OF FORT LAUDERDALE
CITY HALL COMMISSION CHAMBERS – 1ST FLOOR
100 NORTH ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA
WEDNESDAY, MAY 20, 2009 – 6:30 P.M.**

Cumulative

Board Members	Attendance	June 2008-May 2009	
		Present	Absent
Catherine Maus, Chair	P	12	0
Rochelle Golub	P	12	0
Mary Graham	A	11	1
Tom Welch, Vice Chair	A	9	3
Maria Freeman (arr. 7:20)	P	10	2
Fred Stresau	A	10	2
Patrick McTigue	A	11	1
Mike Moskowitz	P	8	0
John Morrison	P	3	0

Staff

Greg Brewton, Director of Planning and Zoning
Michael Ciesielski, Planner II
Ella Parker, Planner III
Thomas Lodge, Planner II
Yvonne Redding, Planner II
Randall Robinson, Planner II
Malik Mohammed, Structural Plans Examiner
Cheryl Felder, Service Clerk
Sharon Miller, Assistant City Attorney
Brigitte Chiappetta, Recording Secretary, Prototype, Inc.

Communications to City Commission

- Ms. Golub requested, and the Board concurred unanimously, that the Commission be advised that the recent Workshops sponsored by Planning and Zoning were excellent, were very productive and brought about the best ideas. Ms. Golub noted that these Workshops were money well spent and that the Staff and consultants did an excellent job in efficiently moving the program along and making the best use of the time allocated.

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	<u>Case Number</u>	<u>Applicant</u>
1.	23-R-09	Lauderdale River, Inc./New River Center
2.	78-R-07	Las Olas Company/Riverside Hotel Addition
3.	1-ZR-09	Edward L. Carlisle, III
4.	7-Z-09	Broward County Board of County Commissioners
5.	55-R-08	Shooters Waterfront Café
6.	74-R-08	Midtown Oasis, LLC/Midtown Oasis
7.	For the Good of the City	

Call to Order

Chair Maus called the meeting to order at 7:20 p.m. She introduced the Board members, and Director Brewton introduced the City Staff in attendance. Assistant City Attorney Miller explained the quasi-judicial process used by the Board.

Chair Maus stated that there had been a request for the deferral of Item 4 until the July 15, 2009 meeting. The Board voted unanimously to approve this request.

She added that tonight's meeting would be the final one for members John Morrison and Mary Graham, and thanked them for their service.

Motion made by Ms. Golub, seconded by Mr. Moskowitz, to approve the minutes of the April 15, 2009 meeting. In a voice vote, the **motion** carried unanimously.

The next scheduled meeting will be Wednesday, June 17, 2009.

1. Lauderdale River, Inc. / New River Center Yvonne Redding 23-R-09

Request: **

Site Plan Level III / Signage Review

Legal Description:

A portion of Parcels B, C, and E, according to the plat thereof, as recorded in P.B. 151, P. 15, of the Public Records of Broward County, Florida.

Address:

200 East Las Olas Boulevard

General Location:

East of Las Olas Boulevard, West of SE 3 Avenue, North of the New River

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Steven Tilbrook, representing the Applicant, advised that the property in question, the New River Center Office Building, also known as the *Sun-Sentinel* building. They are requesting approval for new signs.

He described the New River Center as "one of the premier office buildings in Downtown Fort Lauderdale." It is a mixed-use building with retail and a restaurant on the ground floor in addition to 278,626 sq. ft. of office use. It is a pedestrian-friendly building, built in accordance with the design guidelines at the time, which were the Riverwalk and Downtown design guidelines.

He displayed photos of the existing building and signs, pointing out the building identification roof signs atop the structure. Another building identification sign specific to the *Sun-Sentinel* is located at 2nd Avenue and Las Olas Boulevard, he added.

The Applicant is seeking approval to replace the existing *Sun-Sentinel* identification sign on Las Olas Boulevard with two tenant identification signs, one at the current 2nd Avenue location in the existing planter and another at 3rd Avenue in an expanded planter.

Mr. Tilbrook displayed a site plan showing the location of the two proposed signs, as well as a rendering of what the signs themselves would look like. He pointed out that they are comparable in size and scale to the existing sign, as well as "more pedestrian-friendly." He also showed similar tenant identification signs that can be found on Las Olas Boulevard and Broward Boulevard.

The Applicant believes the design is attractive and consistent with the Downtown Master Plan, as well as with other signs approved by the Board for Site Plan Level III. They have met with the applicable homeowners' associations, the Riverwalk Trust, and the Downtown Fort Lauderdale Civic Association, and have letters from the latter two associations. Mr. Tilbrook thanked Staff on behalf of the Applicant for their input in helping to create a sign consistent with the Downtown Master Plan.

Yvonne Redding, Planner, stated that the sign requirements in the Downtown RACCC state that the sign must not exceed 5 ft. for the facing of the lettering, with a 3 ft. allowance for the base above grade, for a maximum height of 8 ft. The signs in question are at 8 ft. 10 in. in height and will replace smaller wall signs.

Mr. Moskowitz asked why the signs were being presented today and not "ten years ago," as he had previously wondered why there was not more tenant

signage for the building. Mr. Tilbrook advised that Code now "allows and... encourages" tenant identification signs in the Downtown.

As there were no further questions from the Board at this time, Chair Maus opened the public hearing.

There being no members of the public wishing to speak on this Item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Golub, seconded by Mr. Moskowitz, to approve the Application for Site Plan Level III with Staff conditions. In a roll call vote, the **motion** carried 5-0.

2. Las Olas Company / Riverside Hotel Addition Ella Parker 78-R-07

Request: **

**Request to Extend Site Plan Approval for
Previously Approved Site Plan Level III /
RAC-EMU**

Legal Description:

A parcel of land being a portion of Lots 1, 2, 3, 4, 5, and 6, Block 1, and Lots 10, 11, and 12, Block 11, Collee Hammock, as recorded in P.B. 1, P. 17, of the Public Records of Broward County, Florida and being a portion of the unnumbered lots lying south of East Las Olas Boulevard, lying east of the east right-of-way line of Federal Highway (U.S. 1), lying north of the New River, and lying west of the west line of Blocks 1 and 11, of said Collee Hammock, said unnumbered Lots as per the Re-Subdivision of Block "A" Edgewater as recorded in P.B. 2, P. 6, of the Public Records of Broward County, Florida.

Address:

610 East Las Olas Boulevard

General Location:

South side of Las Olas Boulevard, North of the New River, between SE 6 Avenue and SE 8 Avenue.

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

John Miller, representing the Applicant, stated that the Las Olas Company is seeking a 36-month extension of their site plan, as they have failed to obtain financing for the project. Code provides for an Applicant to receive an extension if two criteria are met: if building, zoning, and engineering regulations remain the same, or "good cause" is shown, which is defined as including "factors totally beyond the control of the Applicant."

He added that there have been a number of extensions brought before the City Commission for good cause, and backup materials on this are provided in the Board's information packet. Some such extensions have been granted to hotels and other developments for good cause as related to the current nationwide credit crisis and the "softness" of the hotel industry and the construction trade. He cited a 36-month extension granted to the Ocean Wave hotel project, which Mr. Miller noted is similar to the Applicant's project.

Ella Parker, Planner, stated that the addition to the Riverside Hotel was approved by the Planning and Zoning Board on December 19, 2007. The extension would extend the deadline to apply for a building permit date from July 19, 2009 to July 19, 2012, and issuance of the building permit by January 19, 2013. She reiterated that an extension may be granted when all building, zoning, and engineering regulations remain the same, and good cause for the delay is shown by the Applicant.

Should the Board approve this extension, all previous conditions of approval apply, Ms. Parker concluded.

Ms. Freeman asked if financing has been approved for the project. Mr. Miller replied that there have been no commitments to finance, nor are there currently any active negotiations that may lead toward financing in the short term.

Ms. Golub asked if the City Commission had approved a 36-month extension, as she did not see this information in the backup material. Mr. Miller drew her attention to p. 3 of the first document, a letter written by Attorney Robert Lochrie on behalf of that particular applicant.

Ms. Golub asked if the Applicant believed they had financing at the time the previous building on the site was demolished. Mr. Miller explained that there is "substantial lead time" in any development, and by requirement, tenants must be advised they must leave with a specific amount of notice. He added that a series of negotiations occurring at the time resulted in the Applicant's being "led to believe" that they would obtain a financing commitment.

Ms. Golub noted that the Ocean Wave's 36-month extension was obtained directly from the City Commission, and asked why the Applicant did not apply to

the City Commission for their extension as well. Mr. Miller responded that Code requires them to apply to "the body that granted approval," which is the Planning and Zoning Board.

She asked if there was "a problem" with asking for 18 months, then asking for an additional 18 months when that term of extension was complete. Mr. Miller stated he is not authorized to request 18 months.

As there were no further questions from the Board at this time, Chair Maus opened the public hearing.

Richard Mancuso, President of the Beverly Heights Association, advised that his neighborhood is to the immediate north of the project. He was present in support of the Applicant's request. The Association has been "an active part of the project," and he noted that the Las Olas Company has kept his and other nearby neighborhoods apprised of the project's progress.

There being no other members of the public wishing to speak on this Item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Mr. Moskowitz stated that Code specifically describes good cause as "factors totally beyond the control of the Applicant;" he questioned whether the current unfavorable economic climate falls into this category, and felt it should be discussed further.

Chair Maus felt this did constitute good cause and circumstances beyond the Applicant's control, adding that even before the present credit crisis, the Board had "routinely" granted site plan extensions. She did not have a problem supporting the extension and did not feel 36 months was unreasonable. Due to the "prime" location, she also believed the Applicant could be ready to continue development in less than 36 months, at which time they could apply to the City's Building Department right away. She also noted that this affects "everything" on the street in question, including rentals of other buildings.

Mr. Morrison expressed concern that the space on Las Olas Boulevard will remain a "big hole" during the 36-month extension, and asked if the space might be used in any way. Mr. Miller advised that, as Chair Maus had supposed, once financing is guaranteed, construction will begin; in addition, he affirmed that the Applicant has been "proactive" in upkeep of the site by sodding the area, repairing the sidewalk, and extending additional pavers. They have had meetings with Staff regarding potential interim uses, but he allowed that these would be complicated due to the nature of the active site plan.

Ms. Golub asserted she would most likely vote in favor of the extension due to the precedent provided; however, she did not feel 36 months was an appropriate standard for a precedent in the present economic climate. She felt the economic impact for a developer is "a bit different" from that of individuals who may be attempting to sell a property, and have carrying charges and taxes to pay. She wished it to go on the record that "we should not be creating a precedent" for 36 months to be a standard time frame going forward.

Mr. Moskowitz felt this was an excellent point. He asked the Applicant if the issue is due to the fact that the developer cannot "under any circumstances" get financing for the project, or to the fact that the hotel industry is presently "soft" and they do not wish to go forward with the project at this time.

Mr. Miller responded that financing could be available if, for example, a prospective partner might wish to finance the project with a 50% stake in it; however, there is no conventional financing available from a bank, as very little lending is being made for hotel development at the moment. Any money available is not such that a reasonable businessperson would wish to access it, he concluded.

Motion made by Ms. Freeman, seconded by Ms. Golub, to approve the Applicant's request for Site Plan Extension. In a roll call vote, the **motion** carried 5-0.

3. Edward L. Carlisle, III

Ella Parker

1-Z-09

Request: ***

**Rezone RMM-25 and RO to XP with
Commercial Flex Allocation,
Including Site Plan Level III Review**

Legal Description:

Lots 5 and 6, Block 61, of Croissant Park, according to the plat thereof, as recorded in P.B. 4, P. 28, of the Public Records of Broward County, Florida.

Lot 4, Block 61, of Croissant Park, according to the plat thereof, as recorded in P.B. 4, P. 28, of the Public Records of Broward County, Florida, less the southerly twenty-five feet thereof.

Lots 28, 29, 30, and 31, Block 61, of the East Avenue Section of Croissant Park,

according to the plat thereof, as recorded in P.B. 7, P. 57, of the Public Records of Broward County, Florida.

Address: 1901 South Federal Highway

General Location: Southwest corner of SE 19 Street and Federal Highway

Disclosures were made, and any members of the public wishing to speak on this item were sworn in.

Robert Lochrie, representing the Applicant, stated this was a request for site plan approval and commercial flex rezoning. He provided an aerial photograph of the location.

The property in question has approved land use in two categories: commercial and medium-high residential. Its zoning is B-1 on the front, or commercial piece, which allows a height up to 150 ft., and RMM-25 on the remainder of the property, which allows a height of up to 55 ft. The project proposes to redevelop the commercial piece and provide parking on the rear portion. Mr. Lochrie pointed out that Federal Highway is a general commercial corridor, with a mix of commercial uses up and down the highway; many of the buildings along this route are nonconforming buildings for a number of reasons. Mr. Lochrie noted that the majority of the buildings on the highway do not meet the current parking Code.

The existing building at the location in question has parking that must back out onto Federal Highway, he continued. It would not meet "any common standards," as it is short on parking and disturbs the traffic flow, which would not be permitted under either City Code or State Highway guidelines today.

The Applicant is proposing a complete recreation of the site, Mr. Lochrie advised, with the "back-out" parking removed from the commercial building and moving it to the rear of the commercial building. The commercial building is also proposed to become a one-story building with "mostly commercial uses" and some restaurant space as well. These uses have windows and doors along Federal Highway and 19th Street.

The new project would meet all Code requirements, including the City's parking requirement, with additional street parking. It would be within height requirements and would exceed the City's landscaping requirements by roughly 70%. The project has been presented to the Poinciana Civic Association, which has

presented a letter in favor of the Applicant, and the Harbordale Civic Association, from which Mr. Lochrie asserted the project has received "favorable responses."

Ms. Parker, on behalf of Staff, stated that the Applicant proposes to rezone the lots across the existing alley from RMM-25 and RO to XP, which is exclusive use for a parking lot. Narratives in response to all applicable criteria, including adequacy, neighborhood compatibility, rezoning criteria, and flexibility rules, were included in the Board's information packets. The property is located in Flex Zone 55, where 22.28 acres of commercial flex are available. If the request is granted the parcel proposed for rezoning will utilize approximately half an acre of commercial flex. If the Planning and Zoning Board determines that the application meets the applicable criteria, it shall recommend to the City Commission that the rezoning be approved or recommend a rezoning to a more restrictive zoning district if necessary to ensure compliance with the criteria and if consented to by the applicant.

As there were no questions from the Board at this time, Chair Maus opened the public hearing.

There being no members of the public wishing to speak on this Item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Motion made by Mr. Moskowitz, seconded by Ms. Freeman, to approve the Application. In a roll call vote, the **motion** carried 5-0.

5. Shooters Waterfront Café

Randall Robinson 55-R-08

Request:**

Approval of Canopy-covered and non-covered outdoor customer service areas and Parking Reduction

Legal Description:

Lauderdale Beach Extension Unit B 29-22 B, Lots 6 through 10, Block 26

Address:

3033 NE 32 Avenue

General Location:

East side of Intracoastal Waterway approximately 2 blocks south of Oakland Park Boulevard

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Courtney Crush, representing the Applicant, stated that Shooters Café, an established business in Fort Lauderdale, is requesting an after-the-fact parking reduction. This was generated by the replacement of a canopy with a "tiki hut" when the canopy was torn down. At that time, it came to the City's attention that replacing a canopy with a larger structure generates additional seating and outdoor parking requirements.

Outdoor dining is also available at the location, she noted, although a record of permission for this seating was not found. The Applicant is also requesting formal permission for outdoor seating along the waterfront, as well as the resultant parking changes that accompany this request.

She showed a rendering of the site plan with the canopy, about 2/3 of which she identified as "increased space" of 1484 additional sq. ft. and 1000 sq. ft. of outdoor dining.

The area is in the Community Business Zoning District, Ms. Crush advised, where restaurants are both permitted and encouraged. Outdoor dining is permitted as accessory to restaurant use. Typically, waterway use requires a 20 ft. landscape buffer, which does not apply to some uses, such as marinas; in this case, however, the building line is directly on the 20 ft. line, which would allow no opportunity for outdoor dining if the buffer requirement was met. The Applicant believes that although a landscape buffer is required, the Code provides for some flexibility, as the Planning & Zoning Board can approve outdoor dining inside the 20 ft. buffer area.

The Applicant believes outdoor dining enhances the patrons' experience, Ms. Crush continued. It is consistent with the uses in the area, and there are no outdoor speaker systems, music, or amplification. The dining area is also along an active dock, and fosters the tourism goals found in the City's Comprehensive Plan.

Similarly, the Applicant requests to have the tiki hut, which is considered indoor dining as it is in a covered area, be made into outdoor dining.

Ms. Crush provided photographs of the outdoor dining experience along the dock, noting that other restaurants in the immediate area also feature outdoor dining along the dock. This is considered an amenity and a benefit, has no adverse impacts, and is consistent and compatible with the surrounding uses.

Regarding parking, Ms. Crush pointed out that the Applicant's architect worked with Parking and Fleet Services and Planning and Zoning Staff to determine an appropriate request. Shooters Waterfront Café currently has 88 parking spaces; the expansion requires an additional 71 spaces, for a total of 159. The Applicant

is requesting a parking reduction based upon available public parking within 700 ft., as the property is directly across from a parking garage, which would provide "ample public parking." The garage was approved with 535 additional parking spaces to be available for the public so people would use the garage to come to the beach. Unfortunately, it has not been used for that purpose at this location; however, this provides 268-274 parking spaces at any given time for Shooters patrons.

Ms. Crush noted that the Applicant worked extensively with Staff to examine the current conditions to determine how much parking is available once vacancies and the peak season are taken into account. Staff also requested that the Applicant compare prior parking reductions for the garage. This also showed "plenty of parking available," and the Applicant believes the criteria are met for both a parking reduction and a waiver of the landscape buffer to allow for waterfront dining.

Randall Robinson, Planner, restated the Applicant's requests and noted that the project was reviewed by the DRC more than one year ago. He offered to answer any questions the Board might have.

As there were no questions from the Board at this time, Chair Maus opened the public hearing.

Fred Carlson, Vice President of the Central Beach Alliance, stated that that organization has reviewed a presentation on the project and felt it was "overwhelmingly the right thing to do." The Alliance voted 151-0 in favor of supporting the project.

He felt the project is "very logical," including the expansion of the usable area outside and the use of the parking garage.

There being no other members of the public wishing to speak on this Item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Motion made by Ms. Golub, seconded by Ms. Freeman, to approve the Application for Parking Reduction and outdoor customer service area.

Mr. Moskowitz asked if the building in front of Shooters is the site at which parking is available for people going to a retail establishment in the area. Ms. Crush confirmed this, pointing out that there are also dedicated spaces in the garage for the Tides Apartments.

Mr. Robinson added that a prominent sign on the east façade of the garage indicates that it contains public parking.

In a roll call vote, the **motion** carried 5-0.

6. Midtown Oasis, LLC / Midtown Oasis Thomas Lodge 74-R-08

Request: ** Site Plan Level III / Four-story mixed use building with (8) Eight Residential Units, Retail, and Office / CB

Legal Description: Lots 45, 46, 47, 48, 49, 50, and Lot 50 less the west 40.00 feet, and Lot 52 less the West 40.00 feet and less the north 16.30 feet, all in Block 15, North Lauderdale, according to the plat thereof, as recorded in P.B. 1, P. 48, of the Public Records of Dade County, Florida.

Address: 740 NW 6 Street

General Location: Southeast corner of Sistrunk Boulevard and NW 8 Avenue

Disclosures were made, and any members of the public wishing to speak on this Item were sworn in.

Christy Walker, representing the Applicant, stated that the site in question is approximately .56 acre, and is zoned Community Business. The building fronts the main street along Sistrunk Boulevard, and the majority of its parking is located in the rear, accessible through NW 8th Avenue.

The property is required to have 43 parking spaces, 35 of which are located on-site; the remaining eight are on-street parking, as allowed per Code. The site plan incorporates a 1400 sq. ft. plaza at the corner; the building occupies 5300 sq. ft. on the site. The remainder of the site is used for landscaping, which meets all requirements; hardscape; and the parking lot.

The building would be a four-story mixed-use structure, with retail at the ground level, office use at the second level, and affordable housing condominium units on the third and fourth floors. They are allowed 150 ft. in height, and are within that requirement at 54 ft. at the building's highest point.

Mr. Lodge, on behalf of Staff, stated that the Applicant proposes a four-story mixed-use building consisting of retail, office, and eight multi-family units on a 24,778 sq. ft. site. The proposed development is consistent with the City's Comprehensive Plan, and the mixed-use projects and density proposed by the Applicant are allowed in the Northwest Regional Activity Center's main-use category.

Zoning to the east, west, and north is CB, while zoning to the south is RMM-25. A landscape buffer separates the property to the south with the proposed parking lot.

Chair Maus asked if the neighborhood association was contacted. Ms. Walker stated that formal letters were sent to the association's members, but no responses were received. The letter specified that the Applicant was available to address any questions or comments, she noted.

Ms. Freeman asked if the Applicant has financing for the project. Michael Melendez, also representing the Applicant, replied that financing has not yet been obtained for the project, although they have been working on the project in partnership with the CRA for over two years at this point. As with many developments, their original source of funding has been "strained" due to current lending conditions.

Ms. Freeman asked if the condominium units are for sale or rental. Mr. Melendez advised that there are four sale units at the maximum price point allowed by the CBG, which was, at the time the project was begun, approximately \$195,000 for multi-room units. The retail and office space will be for sale as well, although Mr. Melendez pointed out that these could be leased once the transaction is complete. He did not have current price points for these spaces.

As there were no further questions from the Board at this time, Chair Maus opened the public hearing.

There being no members of the public wishing to speak on this Item, Chair Maus closed the public hearing and brought the discussion back to the Board.

Ms. Golub felt the Application was an "incomplete submission," with 3500 sq. ft. of office space and 3100 sq. ft. of retail available, but not converted into a specific number of bays or stores. Mr. Melendez explained that the Applicant is seeking flex space so an "anchor tenant" could occupy the first floor and possibly expand their square footage if their business grows, as there are no hard walls on that floor.

He clarified that the second floor will be office condo space, and the two top floors are for residences. The program was originally laid out by the CRA, he added.

Ms. Golub asked if there will be changes in what is required. Chair Maus felt this is "where the Code takes over," and any uses of the property must be appropriate under Code, as would any modifications.

Director Brewton confirmed Chair Maus' explanation, and stated that the Board should look at the proposal as presented, such as the square footage and parking, and uses would have to comply with these. Code would apply to any change of use or other significant change in the project, at which point the Applicant would have to come before the Board again for approval.

Mr. Melendez stated that the Applicant plans to market the project "as configured now." He noted that earlier prospective vendors have withdrawn due to market conditions; once a key vendor has joined the site, its presence will be used to develop the project further.

Ms. Freeman congratulated the Applicant on attempting to bring additional development to Sistrunk Boulevard.

Mr. Melendez pointed out that the Applicant was originally teamed with Front Porch of Florida as an equity partner; however, since that entity has dissolved, they are "trying to move ahead."

Director Brewton advised that there will be proposed changes to the Code coming through the CRA, but this particular project should be consistent with those changes, as they have worked with that organization.

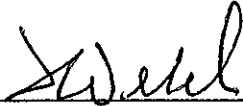
Motion made by Ms. Freeman, seconded by Mr. Moskowitz, to approve the Application. In a roll call vote, the **motion** carried 5-0.

7. For the Good of the City

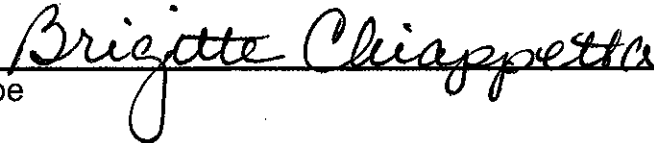
Ms. Golub stated that many of the Board members had attended workshops sponsored by the Planning and Zoning Department, and she wished to point out that they were efficient, productive, an excellent use of time, and brought out the best ideas with no extraneous talk. She suggested that if all the members who had attended these workshops agreed that they were "money well spent," and that Staff and consultants were doing an excellent job, it could be included as a Communication to the City Commission on the front page.

Due to the decrease in attendance at tonight's meeting, Chair Maus proposed that the Board postpone voting on Chair and Vice Chair until the June 2009 meeting.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:24 p.m.



Chair



Prototype

[Minutes prepared by K. McGuire, Prototype, Inc.]